

Message Text

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ACTION ARA-10

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LIMITED OFFICIAL USE SECTION 1 OF 3 BUENOS AIRES 3476

DEPT FOR ARA LABOR ADVISOR O'GRADY

E.O. 11652: N/A

TAGS: SHUM ELAB ICFTU ILO AR

SUBJECT: LABOR MINISTER ANNOUNCES PROGRESS ON TRADE UNION LAW

AS DATE FOR ILO CONFERENCE APPROACHES

REFS: (A) 76 BUENOS AIRES 6576, (B) 76 BUENOS AIRES 8024,

(C) BUENOS AIRES 1601, (D) BUENOS AIRES 1602

(E) BUENOS AIRES 1263

1. SUMMARY. LABOR MINISTER LIENDO'S MAY DAY RADIO ADDRESS TO THE NATION MAKES IT FAIRLY CLEAR THAT A REWRITTEN BASIC TRADE UNION LAW AUTHORIZING RENEWED UNION ACTIVITY WILL NOT BE PROMULGATED UNTIL SOMETIME AFTER THE ILO LABOR CONFERENCE IN JUNE. WHILE THE MINISTER'S LONG-AWAITED SPEECH TOOK PLACE AROUND THE DATE WHICH HAD BEEN FORECAST MONTHS IN ADVANCE, THE CONTENT AND FORM FELL FAR SHORT OF WHAT LABOR LEADERS HAD BEEN LED TO ANTICIPATE. HOWEVER, THE FACT THAT THE MINISTER STATED ONLY THAT TRADE UNION RECOGNITION WOULD BE GRANTED TO SO-CALLED "FIRST DEGREE LIMITED OFFICIAL USE

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UNIONS" (I.E. UNION LOCALS), WITHOUT MENTIONING EITHER FEDERATIONS OR THE CGT CONSTITUTES A VICTORY FOR THE NAVY AND THE AIR FORCE AND IS A MAJOR SETBACK FOR THE UNION MOVEMENT. IN RECENT WEEKS THE LEADERS OF 20 REPRESENTATIVE NONINTERVENED UNIONS HAVE BEEN THREATENING TO BOYCOTT THE INTERNATIONAL LABOR CONFERENCE (ILC) UNLESS THE GOVERNMENT AGREED TO SUBSTANTIALLY MEET LABOR'S DEMANDS FOR NORMALIZATION OF TRADE

UNION ACTIVITIES, FREE LABOR DETAINEES AGAINST WHOM NO FORMAL JUDICIAL CHARGES HAVE BEEN ISSUED, IMPROVE REAL WAGES, ETC. ALTHOUGH WE HAVE NOT YET POLLED LEADERS FOR THEIR REACTION TO LIENDO'S ADDRESS, IT CLEARLY DOES NOT SATISFY THEIR MINIMUM EXPECTATIONS; AND AT THIS READING IT IS QUESTIONABLE WHETHER THE ARGENTINES WILL FIELD A TRADE UNION DELEGATION TO THE ILC
END SUMMARY.

2. ALTHOUGH IT LONG HAD BEEN PREVIEWED THAT THE MINISTER'S SPEECH WOULD SPELL OUT THE GROUND RULES UNDER WHICH THE MILITARY JUNTA WOULD ALLOW THE UNIONS TO RESUME THEIR NORMAL ACTIVITIES, THE ONLY ISSUE WHICH LIENDO ADDRESSED WAS THAT OF TRADE UNION RECOGNITION--AND THEN ONLY WITH BREVITY AND IMPRECISION:... "THE MOST REPRESENTATIVE UNION ENTITIES IN THE FIRST DEGREE WILL BE PRESERVED." A SUBSTANTIAL PORTION OF THE ADDRESS WAS DEVOTED TO EXPLAINING THE GOVERNMENT'S DECISION TO ELIMINATE THE CGE--THE ENTREPRENEURIAL CONFEDERATION WHICH PERON HAD ERECTED AS A CORPORATIVIST COUNTERPART TO THE CGT. THE CGE, SAID LIENDO, WAS REALLY USED TO CONTROL THE ECONOMY FOR THE BENEFIT OF A DETERMINED GROUP (JOSE BER GELBARD, JULIO BRONER, ETC.) "WHICH NOW APPEARS TO HAVE BEEN CONNECTED TO ECONOMIC CRIMES AND EVEN TO SUBVERSION." THE REMAINING PORTIONS DEALING WITH TRADE UNIONISM WERE VAGUE AND CONTRIBUTED NOTHING NEW, EXCEPTING THE AFFIRMATION THAT "THE STAGE OF STUDYING THE "PRINCIPLES WHICH WILL BE ENCOMPASSED IN THE FUTURE LAW OF PROFESSIONAL ASSOCIATIONS HAS BEEN COMPLETED AND, ON THE BASIS OF THESE CONCLUSIONS, THE CORRESPONDING DRAFT LAW IS NOW IN THE PROCESS OF BEING DRAWN UP." ALSO, THERE IS THE ENCOURAGING-SOUNDING AFFIRMATION THAT "THE LIMITED OFFICIAL USE

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LAW WILL CORRESPOND...TO THE CONSTITUTION AND TO THE INTERNATIONAL CONVENTIONS WHICH HAVE BEEN RATIFIED BY THE REPUBLIC." HOWEVER, NO INDICATION WAS GIVEN AS TO WHEN THE LEGISLATION WOULD BE COMPLETED AND PROMULGATED, NOR HOW LONG IT WOULD TAKE BEFORE THE LEGISLATION WOULD GO INTO EFFECT, NOR WHEN THE LABOR MOVEMENT COULD REORGANIZE ITSELF IN ACCORDANCE WITH THE NEW LAW AND THE FURTHER IMPLEMENTING RESOLUTIONS WHICH ARE ALWAYS REQUIRED IN SUCH CASES.

3. MINISTRY LEGAL ADVISOR EDUARDO AMARO POURCIEL MAY HAVE BEEN AUTHORITATIVELY RESPONDING TO SOME OF THESE QUESTIONS IN A STATEMENT HE MADE TO THE PRESS TWO WEEKS BEFORE THE MINISTER'S ADDRESS WHEN HE CONFIRMED, IN A ROUNDABOUT WAY, THAT THE MILITARY JUNTA HAD APPROVED THE BASIC GUIDELINES FOR THE TRADE UNION LAW. (HE DID NOT CLARIFY WHEN.) HE FURTHER COMMENTED THAT THE LAW WOULD TAKE AT LEAST TWO OR THREE MONTHS TO DRAFT, PERHAPS LONGER, AND THEN WOULD HAVE TO BE REVIEWED BY THE LABOR MINISTRY, THE REGIME'S SEMI-LEGISLATIVE BODY (KNOWN AS THE CAL) AND PRESIDENT VIDELA BEFORE IT COULD BE SIGNED.

AMARO, STATING AT THE TIME THAT THE GUIDELINES AS APPROVED BY THE JUNTA CALLED FOR TRADE UNION STATUS FOR "FIRST DEGREE" ORGANIZATIONS, POINTED OUT THAT FEDERATIONS AND CONFEDERATIONS NEVERTHELESS WOULD BE GRANTED LEGAL STATUS AND WOULD BE ABLE TO CONTINUE THEIR EXISTENCE. HE ALSO STATED THAT A SPECIAL LAW MIGHT BE DRAFTED WITH RESPECT TO THE CGT.

4. BEHIND THE TRADE UNION RECOGNITION ISSUE IS THE FACT THAT HARDLINING

ELEMENTS IN THE THREE SERVICES HAVE BEEN CRITICAL OF THE GOVERNMENT'S ALLEGEDLY VACILLATING POLICY WITH REGARD TO LABOR AND HAVE BEEN URGING A MORE INTENSIFIED PURGE OF TRADE UNION ELEMENTS CONSIDERED CORRUPT AND IDENTIFIED WITH THE DEPOSED PERONIST REGIME. THE ISSUE OF TRADE UNION RECOGNITION HAS BEEN A CRUCIAL ONE FOR THE MILITARY JUNTA, BECAUSE SUCH RECOGNITION (AS OPPOSED TO MERE LEGAL PERSONALITY) IS REQUIRED IN ORDER FOR A UNION ENTITY TO BE ENTITLED TO DUES CHECKOFF AND TO LIMITED OFFICIAL USE

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COLLECTIVELY BARGAIN IN THE NAME OF ITS MEMBERS. REPORTEDLY, THE LABOR MINISTRY'S ORIGINAL PLAN, WITH THE APPROVAL OF THE ARMY COMMAND, CALLED FOR TRADE UNION STATUS BEING GRANTED TO ALL THREE LEVELS OF UNION ORGANIZATION (INCLUDING THE CGT) WHEN THE LABOR MINISTRY FIRST PRESENTED ITS PROPOSALS TO THE JUNTA LAST YEAR. EARLY THIS YEAR WE LEARNED THAT THE NAVY AND AIR FORCE HAD OUTVOTED THE ARMY IN THE JUNTA, THUS APPROVING UNION STATUS FOR "FIRST DEGREE" ORGANIZATIONS ONLY. HOWEVER, THE GOVERNMENT'S FAILURE TO ANNOUNCE THIS DECISION AT THE TIME

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WAS SEEN AS A PLAY FOR TIME BY THE ARMY AND THE LABOR
MINISTRY IN HOPES OF REIMPOSING THE ARMY'S VIEW (I.E. THAT OF
ARMY CHIEF OF STAFF VIOLA) ON THE JUNTA AT SOME LATER DATE.

5. THE LABOR MINISTER'S MAY DAY ANNOUNCEMENT OF THE "FIRST
DEGREE" FORMULA WOULD APPEAR TO SUGGEST THAT VIOLA AND LIENDO
FAILED IN THEIR BID TO TURN THE JUNTA AROUND ON THIS POINT SO
THAT LIENDO PRESSED BY THE LABOR MOVEMENT TO COME UP WITH
SOME ANNOUNCEMENT PRIOR TO THE DATE FOR SELECTING THE LABOR
DELEGATION TO THE ILC, HAD NO CHOICE BUT TO GO FORWARD WITH
THE MODEL PROPOSED BY THE NAVY AND AIR FORCE. NEVERTHELESS,
LIENDO'S IMPRECISE LANGUAGE SUGGESTS TO US THAT HE MAY INTEND
TO CONTINUE BATTLING ON THIS POINT. WHILE INDUSTRY-WIDE
BARGAINING ORIGINALLY MAY HAVE BEEN IMPOSED BY A CORPORATIVISTIC
PERONIST LABOR LAW, WE HAVE BEEN TOLD BY SOME SOURCES THAT MANY
INDUSTRIALISTS HAVE GROWN ACCUSTOMED TO AND PREFER TO NEGOTIATE
WAGES AT THE NATIONAL LEVEL, BELIEVING THAT PLANT LEVEL NEGOTI-
ATIONS NO LONGER MAKE SENSE IN THE ARGENTINE ECONOMY. HOW-
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EVER, THERE UNDOUBTEDLY ARE OTHERS WHO PREFER COMPANY UNIONS.
AT ANY RATE, WE KNOW THAT LIENDO ESCHEWS COMPANY UNIONS,
FEARING THERE IS A GREATER TENDENCY FOR SUCH UNIONS EVENTUALLY
BECOMING COMMUNIST DOMINATED. WITH REGARD TO
THE CURRENT REGIME'S ATTEMPT TO MODIFY FASCIST-
INSPIRED PERONIST LABOR LEGISLATION, INCIDENTALLY, IT IS
RELEVANT TO NOTE THE RESULTS OF A RECENT GOVERNMENT ATTEMPT TO
TEST THE TRUE STRENGTH OF UNION MILITANCY BY REQUIRING EVERY
WORKER TO REAFFIRM TO HIS EMPLOYER WHETHER HE WISHED TO
REMAIN A UNION MEMBER AND CONTINUE HAVING HIS DUES AUTOMATICALLY
CHECKED OFF (HERETOFORE OBLIGATORY UNDER PERONIST LABOR LAW).
WE UNDERSTAND THAT IN MOST INDUSTRIAL UNIONS THE OVERWHELMING
MAJORITY OF WORKERS VOTED TO RETAIN THEIR UNION MEMBERSHIP.

6 INASMUCH AS THE QUESTION OF TRADE UNION STATUS WAS THE
PRINCIPAL UNRESOLVED ISSUE HOLDING UP THE JUNTA'S APPROVAL OF
THE TRADE UNION LAW, WE ASSUME THAT THE REMAINING GUIDELINES
ARE THE SAME WHICH REPORTEDLY WERE DRAFTED BY THE LABOR
MINISTRY AND APPROVED BY THE JUNTA LAST OCTOBER. (FOR FURTHER
DETAILS CONCERNING THESE ASSUMED GROUND RULES, SEE REFTEL B.)
AS FOR THE KEY QUESTION HOW LONG IT WILL TAKE TO PUT THE NEW

LEGISLATION INTO EFFECT, WE CONTINUE TO BELIEVE THAT THE QUESTION OF A FREELY FUNCTIONING TRADE UNION MOVEMENT WILL NOT BE FINALLY RESOLVED UNTIL THE PRESENT IMPASSE WITHIN THE ARMED FORCES BETWEEN SO-CALLED "HARDLINERS," AND "MODERATES" HAS BEEN DECIDED. WE ALSO CONTINUE TO BELIEVE THAT A RENEWAL OF UNFETTERED TRADE UNION ACTIVITIES ENCOMPASSING THE RIGHT TO STRIKE AND COLLECTIVE BARGAINING IS MANIFESTLY INCOMPATIBLE WITH A MILITARY GOVERNMENT WHICH HAS ASSUMED EMERGENCY POWERS TO FIGHT A WAR AGAINST SUBVERSION, ON THE ONE HAND, AND HAS ADOPTED ECONOMIC POLICIES CALLING FOR THE LABOR SECTOR TO MAKE THE GREATEST DEGREE OF SACRIFICE, ON THE OTHER. IN VIEW OF THESE PROBLEMS, WE ARE NOT SURPRISED BY ESTIMATES THAT IT MAY TAKE TWO YEARS TO NORMALIZE TRADE UNION ACTIVITIES, ALTHOUGH LIENDO MAY INTEND TO BEGIN THE PROCESS GRADUALLY BY EXPERIMENTING WITH UNIONS ON A CASE-BY-CASE BASIS.

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7. AS THE DATE FOR THE ILC APPROACHED, A SIGNIFICANT QUESTION IS WHETHER LIENDO WILL BE SUCCESSFUL IN GETTING THE TRADE UNIONISTS TO FIELD A DELEGATION. GOVERNMENT AND LABOR WENT THROUGH THE SAME EXERCISE LAST YEAR WHEN LIENDO, HOLDING ALL THE CARDS, WON HANDS DOWN. THIS YEAR MAY BE DIFFERENT. LAST YEAR THE INTERVENED CGT WAS DIVIDED INTO 6 GROUPS, EACH OF WHICH PICKED THREE NOMINEES, FROM WHICH NAMES LIENDO SELECTED ONE DELEGATE FROM EACH GROUP. THIS YEAR THE MINISTRY IS NEGOTIATING WITH THE "COMMISSION OF 20," AN AD HOC GROUP REPRESENTING FIVE DISTINCT UNION BLOCS WHICH ACTUALLY GOT ITS START AT THE TIME OF THE ICFTU MISSION VISIT LAST FEBRUARY. COMMERCIAL WORKER LEADERS FLORENCIA CARRANZA, WHO IS ONE OF THE REPRESENTATIVES OF THE "INDEPENDENT" BLOC, IS A LEADING FIGURE IN THIS EFFORT. THE OTHER BLOCS INCLUDE "THE GROUP OF EIGHT," "VERTICALIST" PERONISTS, "PARTICIPATIONISTS" AND "COMBATANTS." LAST YEAR, THERE WAS BOTH GREATER OPTIMISM THAT THE PERIOD OF SUSPENSION OF TRADE UNION ACTIVITIES WOULD PROVE BRIEF AND ALSO GREATER PREOCCUPATION AMONG THE UNION NEGOTIATORS AS TO WHETHER THEIR UNIONS WOULD BE INTERVENED IF THEY MADE EXCESSIVE DEMANDS ON THE GOVERNMENT. THIS YEAR THERE IS A GREATER SENSE OF FATALISM AMONG THE UNION LEADERS. IN THE FACE OF RANK AND FILE DISCONTENT AND FRUSTRATION OVER THE LEADERS' INABILITY TO COPE WITH THE PROBLEMS OF REDUCED PURCHASING POWER, INCREASING LAYOFFS IN THE STATE INDUSTRIES, THE REMOVAL OF OTHER TRADITIONAL LABOR BENEFITS, AND FURTHER UNION INTERVENTIONS, THE MOOD SEEMS TO BE THAT IT MAY BE BETTER "TO GO DOWN FIGHTING" (I.E. TO GET THEMSELVES REMOVED BY THE GOVERNMENT) THAN TO CONTINUE AT THEIR POSTS AND RISK BEING DEALT WITH AS TRAITORS BY THEIR MEMBERS. THE LEADERS HAD HOPED TO ISSUE THEIR OWN STATEMENT ON MAY DAY AND CALL A PLENARY SESSION OF ALL THE NONINTERVENED UNIONS TO DECIDE WHETHER TO

SEND A DELEGATION TO GENEVA. HOWEVER, THE GOVERNMENT LET IT
BE KNOWN THAT IT OPPOSED SUCH PUBLIC MANIFESTATIONS BY THE
LABOR LEADERS. REPORTEDLY NONE OF THE SIGNED A MUCH WATERED
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DOWN DECLARATION WHICH HAD BEEN PREPARED BY THE COMMISSION OF 20;
AND THE STATEMENT HAS NOT SEEN THE LIGHT OF DAY. GIVEN THE
PERONIST UNION LEADERS' PENCHANT FOR NEGOTIATING WITH THE
GOVERNMENT AND THE NETWORK OF HIDDEN ALLIANCES AND OTHER TIES
BETWEEN INDIVIDUAL LABOR LEADERS AND ARMED FORCES ELEMENTS,
WE WOULD NOT BE SURPRISED IF LIENDO WERE AGAIN SUCCESSFUL
THIS YEAR IN DISPATCHING A WORKER DELEGATION TO GENEVA.
HOWEVER, THE ISSUE IS STILL IN DOUBT AT THIS POINT. (SEE
PARA 10 BELOW).

8. IN RECENT WEEKS THERE HAVE BEEN FURTHER INCIDENTS WHICH
SUGGEST A HARDENING OF THE GOVERNMENT LINE VIS-A-VIS LABOR
AND/OR OTHERWISE MAY ARGUE FOR A HARDENING POSITION BY THE
INTERNATIONAL LABOR MOVEMENT AGAINST ARGENTINA IN THE ILC.
TO CITE JUST A FEW: (A) WHILE THE GOA FULFILLED ITS

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COMMITMENT TO PROVIDE THE ICFTU WITH INFORMATION CONCERNING A LONG LIST OF TRADE UNION DETAINEES AND SOME DETAINEES HAVE BEEN RELEASED), THE INFORMATION PROVIDED WAS INCOMPLETE AND DID NOT COVER "MISSING PERSONS";

(B) THE GOA'S REQUEST TO INTERPOL TO DETAIN CASILDO HERRERAS (AFTER PRESIDENT VIDELA REPORTEDLY TOLD ICFTU-ORIT THAT THE GOVERNMENT HAD UNCOVERED NO EVIDENCE OF CRIMINAL WRONG-DOING BY HERRERAS); (C) THE REFUSAL TO GRANT PASSPORTS TO SOME OF THE ARGENTINE INVITEES TO THE RECENT ORIT CONGRESS AND THE DECISION OF OTHER LEADERS NOT TO ATTEND THE CONFERENCE DUE TO THE NEGATIVE ATMOSPHERE HERE; AND (D) THE REFUSAL TO GRANT UAW'S ED TORRES PERMISSION TO VISIT THE JAILHOUSES, NOTWITHSTANDING THE PRACTICE TO ALLOW SUCH VISITATIONS IN THE PAST. PAPERWORKER LEADER DONAIRES ASSERTED TO US RECENTLY THAT THE ARREST ORDER AGAINST HERRERAS CONSTITUTED A GOVERNMENT ATTEMPT TO PREVENT HERRERAS FROM CARRYING OUT HIS INTENT, WHICH, DONAIRES SAID, HAS ALREADY LIMITED OFFICIAL USE

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BEEN AGREED TO BY THE ARGENTINE LABOR MOVEMENT, THE AFL-CIO AND THE ICFTU, TO SPEAK OUT AGAINST TRADE UNION VIOLATIONS IN ARGENTINA AT THE UPCOMING ILC. IN ANNOUNCING THE ARREST ORDER, THE GOVERNMENT MENTIONED OUTSTANDING CHARGES AGAINST HERRERAS THAT HE HAD MISHANDLED CGT FUNDS, AND THIS ANNOUNCEMENT HAS BEEN FOLLOWED BY FURTHER ASSERTIONS, IN CONNECTION WITH THE GRAIVER INVESTIGATION, THAT HERRERAS SMUGGLED FUNDS OUT OF THE COUNTRY ILLEGALLY WITH THE ASSISTANCE OF FINANCIAL INSTITUTIONS OWNED BY DAVID GRAIVER, WHO HAS ALSO BEEN ACCUSED OF BEING A FINANCIAL AGENT FOR THE MONTONERO TERRORIST ORGANIZATION.

9. THE MOTIVE BEHIND THE FIREBOMB ATTACK ON HOME OF COMMERCIAL WORKER LEADER CARRANZA IN EARLY MORNING HOURS OF MAY 6 HOPEFULLY WILL BECOME CLEARER WHEN WE SEE HIM LATER TODAY, BUT IT IS AN ADDITIONAL FACTOR CONTRIBUTING TO THE UNCERTAINTIES AND FEARS IN THE PRESENT PERIOD. (CARRANZA AND FAMILY ESCAPED UNSCATHED.) DEPT MAY WISH TO NOTIFY GERRY O'KEEFE OF RETAIL CLERKS THAT ORIT, ICFTU AND RCIA'S MAIER HAVE ALREADY SENT HIM COMMUNIQUE OF SUPPORT.

10. AS A FINAL SOMBER NOTE, NEWSPAPERS ARE SPECULATING TODAY THAT ARGENTINA MAY NOT SEND ANY DELEGATION TO THE ILC--UNION, ENTREPRENEUR OR GOVERNMENT. THERE IS AN UNCONFIRMED REPORT THAT ARGENTINA'S ENTREPRENEURIAL DELEGATE TO THE ILO GB, ANTONIO VITAIC JAKASA, DISAPPEARED ON HIS WAY TO HIS OFFICE YESTERDAY. NEVERTHELESS, LABOR MINISTER LIENDO HAS BEEN MEETING WITH TRADE UNION LEADERS

IN A LAST DITCH EFFORT TO PERSUADE THEM TO ATTEND THE
CONFERENCE, PRESUMABLY WITH THE ARGUMENT THAT THEIR
REFUSAL TO COOPERATE (BY PARTICIPATING AND ATTEMPTING TO
DISSUADE INTERNATIONAL CRITICISM) WILL PLAY INTO THE
HANDS OF THE MILITARY HARDLINERS WHO WOULD LIKE NOTHING
BETTER THAN TO FORESEE LIENDO'S RESIGNATION AND SEE ARGENTINA
WITHDRAW FROM THE ILO.

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